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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

William Hames,

Plaintiff,

v.

Monsters of Rock LLC,

Defendant.

Case No:

**COMPLAINT FOR:
(1) Copyright Infringement
under 17 U.S.C §501**

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff William Hames (“*Plaintiff*”), by and through his undersigned counsel, for his Complaint against defendant Monsters of Rock LLC (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Plaintiff created a photograph of an American musician who is the lead guitarist of heavy metal band Metallica, Kirk Hammett, (the “*Photograph*”) in which Plaintiff owns the rights and licenses for various uses including online and print

1 publications.

2 3. Defendant owns and operates a Twitter account with the name
3 @monstersofrock (“*Account 1*”).

4 4. Defendant owns and operates a Facebook account with the name
5 @monstersofrock (“*Account 2*”).

6 5. Defendant owns and operates an Instagram account with the name
7 @monstersofrock (“*Account 3*”).

8 6. Defendant, without permission or authorization from Plaintiff, actively
9 copied and displayed the Photograph on the Accounts (hereinafter the social media
10 platforms set forth above are referred to collectively as the “*Accounts*”) and engaged
11 in this misconduct knowingly and in violation of the United States copyright laws.

12 **PARTIES**

13 7. Plaintiff William Hames is an individual who is a citizen of the State of
14 California and resides in Los Angeles County, California.

15 8. Upon information and belief, Defendant Monsters of Rock LLC is a
16 California limited liability company with a principal place of business at 6363
17 Hollywood Boulevard, Los Angeles in Los Angeles County, California.

18 **JURISDICTION AND VENUE**

19 9. This Court has subject matter jurisdiction over the federal copyright
20 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

21 10. This Court has personal jurisdiction over Defendant because it
22 maintains its principal place of business in California.

23 11. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does
24 business in this Judicial District and because a substantial part of the events or
25 omissions giving rise to the claim occurred in this Judicial District.

FACTS COMMON TO ALL CLAIMS

A. Plaintiff's Copyright Ownership

12. Plaintiff is a professional photographer by trade who is the legal and rightful owner of certain photographs which Plaintiff commercially licenses.

13. Plaintiff has invested significant time and money in building Plaintiff's photograph portfolio.

14. Plaintiff has obtained active and valid copyright registrations from the United States Copyright Office (the "USCO") which cover many of Plaintiff's photographs while many others are the subject of pending copyright applications.

15. Plaintiff's photographs are original, creative works in which Plaintiff owns protectable copyright interests.

16. On March 28, 2015, Plaintiff first published the Photograph. A copy of the Photograph is attached hereto as Exhibit 1.

17. In creating the Photograph, Plaintiff personally selected the subject matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used to capture the image and made each and every artistic determination necessary for the creation of the work.

18. On July 20, 2019, the Photograph was registered by the USCO under Registration No. VA 2-164-888.

19. Plaintiff created the Photograph with the intention of it being used commercially and for the purpose of display and public distribution.

B. Defendant's Infringing Activity

20. Defendant is the registered owner of the Accounts and is responsible for their content.

21. Defendant is the operator of the Accounts and is responsible for their content.

22. The Accounts are key component of Defendant's popular and lucrative

1 commercial enterprise.

2 23. Upon information and belief, Defendant has not implemented adequate
3 internal policies to verify copyright ownership before content use, indicating a gross
4 negligence in legal compliance, which is essential for a company with Defendant's
5 reach, capabilities, and level of sophistication.

6 24. Upon information and belief, Defendant's internal policies, if any, are
7 either not designed to verify copyright ownership before content use or are
8 systematically ignored, indicating a willful, recurring disregard for copyright
9 compliance.

10 25. Defendant's failure to adopt or effectively enforce internal copyright
11 policies, if any, indicates *de facto* willful infringement.

12 26. On or about November 18, 2023, Defendant displayed the Photograph
13 on the Accounts as part of social media posts at URLs:
14 <https://x.com/MonstersOfRock/status/1725954678838411429> (“*Infringement 1*”);
15 [https://www.facebook.com/MonstersOfRockOfficial/posts/pfbid02EQW16YpQsS](https://www.facebook.com/MonstersOfRockOfficial/posts/pfbid02EQW16YpQsSZGUjhj7a3s5wPriSAN5qEg88Uk3JDyaHm6gTkmBQ6MbcRxvX4PppHI)
16 [ZGUjhj7a3s5wPriSAN5qEg88Uk3JDyaHm6gTkmBQ6MbcRxvX4PppHI](https://www.facebook.com/MonstersOfRockOfficial/posts/pfbid02EQW16YpQsSZGUjhj7a3s5wPriSAN5qEg88Uk3JDyaHm6gTkmBQ6MbcRxvX4PppHI)
17 (“*Infringement 2*”); and
18 https://www.instagram.com/p/CzzG1ETRYcj/?utm_source=ig_web_copy_link
19 (“*Infringement 3*”). Copies of screengrabs of the Accounts including the Photograph
20 are attached hereto collectively as Exhibit 2.

21 27. Without permission or authorization from Plaintiff, Defendant
22 volitionally copied and displayed Plaintiff's copyright protected Photograph on the
23 Accounts.

24 28. Plaintiff discovered the Infringements on December 16, 2023.

25 29. Upon information and belief, the Photograph was copied and displayed
26 by Defendant without license or permission, thereby infringing on Plaintiff's
27 copyrights in and to the Photograph (hereinafter the unauthorized uses set forth
28

1 above are referred to collectively as the “*Infringements*”).

2 30. The Infringements include a URL (“*Uniform Resource Locator*”) for a
3 fixed tangible medium of expression that was sufficiently permanent or stable to
4 permit it to be communicated for a period of more than a transitory duration and
5 therefore constitutes a specific infringement.

6 31. The Infringements are exact copies of Plaintiff's original image that
7 were directly copied and displayed by Defendant on the Accounts.

8 32. Upon information and belief, Defendant takes an active and pervasive
9 role in the content posted on its Accounts, including, but not limited to copying,
10 posting, selecting, commenting on, and displaying images including but not limited
11 to Plaintiff's Photograph.

12 33. Upon information and belief, the Photograph was willfully and
13 volitionally posted to the Accounts by Defendant.

14 34. Upon information and belief, Defendant was aware of facts or
15 circumstances from which the determination regarding the Infringements was
16 apparent. Defendant cannot claim that it was not aware of the infringing activities,
17 including the specific Infringements which form the basis of this complaint, since
18 such a claim would amount to only willful blindness to the Infringements on the part
19 of Defendant.

20 35. Upon information and belief, Defendant engaged in the Infringements
21 knowingly and in violation of applicable United States copyright laws.

22 36. Upon information and belief, Defendant had complete control over and
23 actively reviewed and monitored the content posted on the Accounts.

24 37. Upon information and belief, Defendant has the legal right and ability
25 to control and limit the infringing activities on its Accounts and exercised and had
26 the right and ability to exercise such right.

27 38. Upon information and belief, Defendant monitors the content on its
28

1 Accounts.

2 39. Upon information and belief, Defendant has received a financial benefit
3 directly attributable to the Infringements.

4 40. Upon information and belief, a large number of people have viewed the
5 unlawful copies of the Photograph on the Accounts.

6 41. Upon information and belief, Defendant at all times had the ability to
7 stop the reproduction and display of Plaintiff's copyrighted material.

8 42. Defendant's use of the Photograph harmed the actual market for the
9 Photograph.

10 43. Defendant's use of the Photograph, if widespread, would harm
11 Plaintiff's potential market for the Photograph.

12 44. As a result of Defendant's misconduct, Plaintiff has been substantially
13 harmed.

14 **FIRST COUNT**

15 ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

16 45. Plaintiff repeats and incorporates by reference the allegations contained
17 in the preceding paragraphs, as though set forth in full herein.

18 46. The Photograph is an original, creative work in which Plaintiff owns a
19 valid copyright.

20 47. The Photograph is properly registered with the USCO and Plaintiff has
21 complied with all statutory formalities under the Copyright Act and under
22 regulations published by the USCO.

23 48. Plaintiff has not granted Defendant a license or the right to use the
24 Photograph in any manner, nor has Plaintiff assigned any of its exclusive rights in
25 the copyright to Defendant.

26 49. Without permission or authorization from Plaintiff and in willful
27 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and
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1 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works
2 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its
3 copyrights.

4 50. Defendant's reproduction of the Photograph and display of the
5 Photograph constitutes willful copyright infringement.

6 51. Upon information and belief, Defendant willfully infringed upon
7 Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that
8 Defendant used, published, communicated, posted, publicized, and otherwise held
9 out to the public for commercial benefit, Plaintiff's original and unique Photograph
10 without Plaintiff's consent or authority, by using it on the Accounts.

11 52. As a result of Defendant's violations of Title 17 of the U.S. Code,
12 Plaintiff is entitled to an award of actual damages and disgorgement of all of
13 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504
14 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for
15 statutory damages against Defendant for each infringement pursuant to 17 U.S.C. §
16 504(c).

17 53. As a result of the Defendant's violations of Title 17 of the U.S. Code,
18 the court in its discretion may allow the recovery of full costs as well as reasonable
19 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

20 54. As a result of Defendant's violations of Title 17 of the U.S. Code,
21 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of
22 Plaintiff's copyright pursuant to 17 U.S.C. § 502.

23
24 **JURY DEMAND**

25 55. Plaintiff hereby demands a trial of this action by jury.

26 **PRAYER FOR RELIEF**

27 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:
28

1 That the Court enters a judgment finding that Defendant has infringed on
2 Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 *et seq.* and
3 therefore award damages and monetary relief as follows:

- 4 a. finding that Defendant infringed Plaintiff's copyright interest in
5 and to the Photograph by copying and displaying it without a
6 license or consent;
- 7 b. for an award of actual damages and disgorgement of all of
8 Defendant's profits attributable to the infringements as provided
9 by 17 U.S.C. § 504(b) in an amount to be proven or, in the
10 alternative, at Plaintiff's election, an award for statutory damages
11 against Defendant for each infringement pursuant to 17 U.S.C. §
12 504(c), whichever is larger;
- 13 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant
14 from any infringing use of any of Plaintiff's works;
- 15 d. for costs of litigation and reasonable attorney's fees against
16 Defendant pursuant to 17 U.S.C. § 505;
- 17 e. for pre-judgment interest as permitted by law; and
18 f. for any other relief the Court deems just and proper.
- 19

20 DATED: May 14, 2025

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